

RESOLUTION NO. 2017-15

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, OPPOSING HOUSE BILL 17 (HB17) AND URGING THE FLORIDA LEGISLATURE NOT TO ADOPT HB17 OR SIMILAR LEGISLATION; INCLUDING OPPOSITION OF HB 17 AS PART OF THE VILLAGE'S LEGISLATIVE AGENDA; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, House Bill 17 ("HB 17") was filed for consideration during the Florida Legislature's 2017 Session by Representative Randy Fine (R - Palm Bay), and is cosponsored by Representative Paul Renner (R - Palm Coast); and

WHEREAS, on February 22, 2017, the Careers & Competition Subcommittee of the House Commerce Committee voted favorably on a similar Committee Substitute Bill ("CS/HB 17"); and

WHEREAS, CS/HB 17 would expressly preempt the local regulation of businesses, professions, and occupations to the State of Florida by prohibiting local governments from imposing or adopting certain rules, regulations, licenses, permits, or requirements, and any associated fees; and

WHEREAS, CS/HB 17 would supersede all local government regulations on businesses, professions, and occupations, even those regulations adopted prior to January 1, 2017, if they were adopted without general law authority; moreover, such pre-existing regulations would expire July 1, 2020; and

WHEREAS, under CS/HB 17, even if a local government had enacted a business regulation authorized by general law prior to January 1, 2017, the existing regulation could not be amended to impose additional regulations on business, professions, or occupations; moreover, a local government could not modify such regulation, except to repeal or reduce the regulation; and

WHEREAS, in addition, a local regulation not authorized under the CS/HB 17, or expressly authorized by general law, would be a nullity and not enforceable; and

WHEREAS, CS/HB 17, and any similar or substitute legislation, would have far reaching negative impacts upon local governments throughout the State and would severely limit their ability to tailor local laws to their community needs, would sunset current laws, and would prevent the enactment of new laws that address, among other things, fair wages, human rights, environmental protections, and neighborhood quality of life; and

WHEREAS, the Village Council the Village of Key Biscayne (“Village”) strongly opposes CS/HB 17 and any similar or substitute legislation that would preempt the local regulation of businesses, professions, and occupations to the State of Florida, sunset existing local regulations, or that would limit local governments in modifying or imposing additional regulations; and

WHEREAS, the protection of home rule powers is of utmost importance to the Village and the Village believes that HB 17 is unconstitutional and not good public policy; and

WHEREAS, adoption of HB 17 would be an unconstitutional attempt to statutorily revoke the municipal home rule powers protected in the Florida Constitution, specifically Article VIII, Section 11 of the Florida Constitution, which guarantees home rule in local affairs for Miami-Dade County, including the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the recitals stated above is hereby adopted and confirmed.

Section 2. **Opposition to Legislation.** The Village Council hereby opposes House Bill

17 and any similar or substitute legislation that would preempt the local regulation of businesses, professions, and occupations to the State by prohibiting local governments from imposing or adopting certain rules, regulations, licenses, permits, or requirements, and any associated fees; that would sunset existing local regulations; or that would limit local governments in modifying or imposing additional regulations on businesses, professions, and occupations. The Village urges the Florida Legislature not to adopt HB 17 or any companion or substitute legislation.

Section 3. **Inclusion in Legislative Agenda.** The Village Council directs that opposition to HB 17, or similar legislation, be made part of the Village's legislative agenda.

Section 4. **Transmittal.** The Village Clerk is hereby directed to transmit this Resolution to leadership of the Florida House of Representatives and Senate, as well as the members of the Miami-Dade County legislative delegation.

Section 5. **Effective Date.** That this Resolution shall be effective immediately upon adoption hereof.

PASSED and ADOPTED this 18th day of April, 2017.


MAYOR MAYRA PEÑA LINDSAY

ATTEST:



CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY


VILLAGE ATTORNEY

